

## SECTION I. PART A OF THE SUPPORTING STATEMENT

### 1. IDENTIFICATION OF THE INFORMATION COLLECTION

#### (a) TITLE OF THE INFORMATION COLLECTION

Information Requirements for Importation of Nonconforming Vehicles, OMB Control Number 2060-0095, ICR # 0010.10.

#### (b) SHORT CHARACTERIZATION (ABSTRACT)

The Clean Air Act requires that motor vehicles and motor vehicle engines imported into the U.S. conform with applicable emission requirements. This Information Collection Request (ICR) includes both motor vehicles and motor vehicle engines. The ICR previously included nonroad compression ignition engines, however those engines are now instead incorporated into another ICR, 1673, OMB control number 2060-0294.

The Outreach & Planning Group (OPG) in the Office of Air and Radiation collects information and requires some recordkeeping to help ensure that nonconforming vehicles and engines are brought into compliance with Federal emission requirements, unless eligible for exemption or exclusion. Also, the information is used by the U.S. Customs Service (Customs), State regulatory agencies, businesses, and individuals to verify whether or not vehicles are in compliance.

Information collected includes vehicle identification data and U.S. Customs entry statements that such information is correct, and emission test results. The information is either stored in a computer database, or retained in document form. The information is used to monitor compliance of imports and respond to inquiries from the public concerning the compliance status of specific imported vehicles.

a) EPA Form 3520-1 This form is used by importers who are applying for entry of motor vehicles or motor vehicle engines, respectively.

b) EPA Form 3520-8 This form is used by independent commercial importers (ICIs) to request final admission of a nonconforming motor vehicle or nonroad engine that has been brought into compliance with Federal emission requirements. This form has been modified requesting respondents to circle applicable units and pollutants where required.

c) EPA Form 3520-14 This form is no longer used, because EPA only issues prior written approval for racing vehicles, in addition to Form 3520-1.

The information collection will involve 13,000 respondents at an O&M cost of \$1,266,000 and a labor cost of \$398,000.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **(a) NEED/AUTHORITY FOR THE COLLECTION**

Joint EPA and Customs regulations at 40 CFR 85.1501 et seq., 40 CFR 89.601 et seq., 19 CFR 12.73 and 19 CFR 12.74 promulgated under the authority under the Clean Air Act (Sections 203 and 208) give authority for the collection of information. The collection of this information helps ensure the compliance of nonconforming vehicles and engines with Federal emissions requirements which helps meet the Agency goal of reducing air pollution. Without this information, EPA could not confirm that vehicles and engines being imported conform to the emission requirements and consequently, would not be able to allow importation of these vehicles and engines.

### **(b) USE/USERS OF THE DATA**

The Outreach & Planning Group (OPG) receives the information either directly from the importers or indirectly from the importers through Customs. The information is used by Agency enforcement personnel to verify that all Federal emission requirements concerning imported nonconforming motor vehicles are met. The information is also used to identify and prosecute violators of the regulations and to monitor the program in achieving the objectives of the regulations.

## **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

### **(a) NONDUPLICATION**

A search of the Government Information Locator System (GILS) found no other program or agency collecting this information. Because much of the information is so highly specific (e.g., emission test results on a particular vehicle) to the EPA Imports Program, the information would not be duplicated by other programs.

### **(b) PUBLIC NOTICE**

A Federal Register notice has been published, soliciting public comment for this ICR on 5/03/2003 (89 FR 24736); no comments were received.

### **(c) CONSULTATIONS**

Consultations have been made with Customs headquarters and ICIs to discuss form revisions and to obtain accurate burden and cost estimates. The following ICIs were contacted:

Automobile Concepts  
13329 - 13333 N.E. 17 Avenue  
N. Miami, FL 33181  
Rep: Mr. Ramez Wahab  
Phone: (305) 893-9097

J.K. Technologies , I.L.C.  
3500 Sweet Air Street  
Baltimore, MD 21211  
Rep: Mr. Jonathan Weisheit  
Phone: (410) 366-6332

Wallace Environmental Testing Laboratories  
2140 Wirtcrest  
Houston, TX 77055  
Rep: Mr. Les Weaver  
Phone: (713) 956-7705

#### (d) EFFECTS OF LESS FREQUENT COLLECTION

Since reporting is done only at the time of entry and compliance, the effects of less frequent collection would be to seriously undermine the Agency's ability to whether vehicles being imported meet applicable emission requirements. Consequently, the Agency would not be able to allow entry of vehicles being imported. Therefore, less frequent collection is not feasible.

#### (e) GENERAL GUIDELINES

This ICR requires that ICIs notify EPA when requesting final admission for vehicles (form 3520-8) and this may occasionally result in reporting more often than quarterly. This requirement is necessary for EPA to inspect vehicles prior to release from the ICI. If EPA only required quarterly reports, either the ICI would have to hold vehicles and release them on a quarterly basis or EPA would not likely have the opportunity to inspect vehicles imported by the ICI.

Additionally, EPA's regulations require that ICIs retain records for a period equal to the vehicle's or engine's useful life plus one year (40 CFR 85.1507). Also, the emissions warranty needs to be valid for the same period. For example the Clean Air Act requires that light duty vehicles meet Federal emission standards throughout their useful lives which is defined by the Clean Air Act to be 10 years or 100,000 miles. The Imports regulations further specify that the useful life period starts from the date that the vehicle is delivered to the owner by the ICI. Therefore, because of this requirement, compliance documentation must ordinarily be maintained six years from the date of entry.

## TERMS OF CLEARANCE:

As requested by OMB, EPA considered the recent revisions to the light-duty and heavy-duty vehicle emission regulations and the potential to reduce the record retention period and account for any other changes in these regulations. The recent revisions to engine regulations did not affect the light-duty and heavy-duty vehicle emission regulations. However, because the motor vehicle and engine certification requirements remain in those regulations requiring compliance for a minimum of five (5) years and in many cases, longer periods of time, EPA believes that ICI records should be retained for the same time period, plus one year. Therefore, the retention period should remain six years.

### (f) CONFIDENTIALITY

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to policies set forth in Title 40, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information (see CFR 2). The public is not permitted access to information containing personal or organizational identifiers. This collection complies with the Privacy Act of 1974 and OMB Circular A-130.

### (g) SENSITIVE QUESTIONS

There are no sensitive questions asked.

## 4. THE RESPONDENTS AND THE INFORMATION REQUESTED

### (a) RESPONDENTS/NAICS CODES

The Vehicle Compliance Programs Group (VCPG) collects information from individual importers and both small and large companies who import, or import and manufacture, vehicles or engines. The NAICS codes for respondents are 33611 and 336112.

### (b) INFORMATION REQUESTED

#### (i) Data Items

The data requested in reports include:

- vehicle identification number
- vehicle make
- vehicle model
- model year of the vehicle
- port of entry

- date of entry
  - entry number
  - importer name, address and telephone number
  - owner name, address, telephone number and SSN or EIN
  - emission test results
  - applicable EPA certificate of conformity
  - fuel economy
  - test date
  - modification date
  - name of emissions test laboratory
  - vehicle storage location
  - justification for an exclusion or exemption, if applicable
- and records are maintained on:
- documents related to certification, modification, importation, storage, registration or emission testing
  - bills of sale, invoices, or purchase agreements
  - documents providing parts identification data associated with the emission control system
  - documents providing evidence of the initiation of the "hold period"

(ii) Respondent Activities

To complete the collection, the respondent would:

- read form instructions
- collect data and complete forms
- emission testing (ICIs only)

INFORMATION REQUIREMENTS FOR  
IMPORTATION OF NONCONFORMING MOTOR VEHICLES  
AND MOTOR VEHICLE ENGINES  
40 CFR PART 85 SUBPARTS P and R

INFORMATION REQUIREMENTS

CITATION

I. ICI requirements

- |  |                                    |
|--|------------------------------------|
| - Reporting  |                                    |
| - Application for final admission<br>(certified)                                       | 85.1505(a)                         |
| - Reasonable assistance during inspection,<br>including copies of records or documents | 85.1506(c),(g)(4)<br>85.1506(b)(2) |
| - Application for final admission<br>(modification/test)                               | 85.1509(b)                         |

- Repair and retest 85.1509(g)
- Maintenance instructions, attestation, parts list 85.1510(a)
- Altitude compensator instructions, attestation 85.1510(b)
- Emission warranties, attestation 85.1510(c)
- Emission labeling, attestation 85.1510(d)
- Fuel economy labeling, attestation 85.1510(e)
- Gas guzzler tax forms, attestation 85.1510(f)
- Reply to notice of suspension or revocation 85.1513(f)(3)(ii),  
85.1513(f)(3)(iv)  
85.1513(f)(6)
- Request for hearing 85.1513(f)(3)(iii)

#### Recordkeeping

- Certification, modification, test, purchase, sale, storage, registration, importation 85.1507
- Owners or ultimate purchasers 85.1508(b)
- Maintenance instructions, parts list, altitude compensator instructions, emission warranties, emission labeling, fuel economy labeling 85.1510

#### II. Requirements applying to all importers

- Notification of conditional admission 85.1504(a)
- Request for prior approval (exemption), request for extension of exemption 85.1511(b),(g)
- Request for prior approval (exclusion) 85.1511(c),(d),(e),(f),(g)
- Attestations, copy of paid invoice 85.1512(f)
- Claim of confidentiality 85.1514

### **5. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

#### (a) AGENCY ACTIVITIES

OPG receives the information as required from Customs, individuals and businesses. After receiving the information, EPA uses the information to determine whether vehicles meet EPA requirements and retains the information in order to respond to public, State government, and Federal government inquiries.

## (b) COLLECTION METHODOLOGY AND MANAGEMENT

Both Customs and OPG use the information to determine if vehicles meet EPA requirements. OPG retains information in a computer database or document form in order to respond to public, State government, and Federal government inquiries, which are handled by OPG staff.

## (c) SMALL ENTITY FLEXIBILITY

Small entities (e.g. ICIs) which are required to submit certain information to EPA have been providing information to EPA by completing and submitting EPA forms. EPA regulations provide, as an alternative, for the small entities to submit the data electronically (e.g. 40 CFR 85.1505(a), 85.1509(b) & (c)).

## (d) COLLECTION SCHEDULE

The information is not subject to a collection schedule, but is collected at the time of vehicle entry and when the vehicle is ready for final admission by EPA.

**6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

## 6(a) ESTIMATING RESPONDENT BURDEN

Motor vehicles and motor vehicle engines

## I. Reporting Burden

	Burden Est.	Est. # of forms/yr	Est. of Burden (hrs)
a) Form 3520-1	.5	20,000	10,000
b) Form 3520-8 (ICI)	.5	200	100
			<hr/> 10,100

## II. Recordkeeping Burden

$$\text{ICIs} \quad \text{Form 3520-8} \quad .5 \text{ hr/vehicle} \quad * \quad 200 \text{ vehicles} \quad = \quad 100 \text{ hrs}$$

## III. Testing Burden

$$\text{ICIs} \quad 28 \text{ hrs/vehicle} \quad * \quad 200 \text{ vehicles} \quad = \quad 5,600 \text{ hrs}$$

TOTAL BURDEN = 15,800 hrs

(b) ESTIMATING RESPONDENT COST

Motor vehicles and motor vehicle engines

	Estimated Units	Labor	Capital/ Start-up:	Costs: O&M
I. Reporting \$606,000	20,200 forms  @\$30 per form			
II. Recordkeeping	200 vehicles x 1 hr/veh. x \$30/hr	\$6,000		
III. Testing	200 vehicles x 28 hrs/veh. x \$70/hr & x \$3,300/vehicle	\$392,000		\$660,000
TOTAL COST =		\$398,000		\$1,266,000

(i) Labor Costs

Labor costs were calculated based on an average of responses received from the ICIs contacted. Estimated labor costs total \$398,000 for activities covered by this ICR.

(ii) Capital/Start-up Costs

Capital/start-up costs are predominantly incurred by ICIs during the required certification process, which is covered by another ICR. Some small portion of residual capital/start-up costs may be included within the operations and maintenance costs provided to us in consultations with ICIs. However, ICIs were unable to separate non-certification capital/start-up costs for us from the overall operations and maintenance costs provided, and we have no other basis for estimating the costs. Estimated capital/start-up costs for this ICR are therefore zero.

(iii) Operations and Maintenance Costs

Operations and maintenance costs were calculated based on an average of responses received from the ICIs contacted. The Operations and maintenance cost for reporting ordinarily involves a



purchase of services from brokers who complete a package of importation forms (including those of other agencies) and file them with Customs. This cost is estimated as a component of overall broker activities to import a vehicle or engine, and incorporates a negligible recordkeeping cost for broker form retention indistinguishable from overall broker activities. Additional costs are incurred when an ICI tests a vehicle or engine to verify compliance with Federal emission requirements. Estimated operations and maintenance costs total \$1,266,000 for activities covered by this ICR.

#### 6(c) ESTIMATING AGENCY BURDEN AND COST

The Imports program is administered by EPA's Outreach & Planning Group (OPG). Two full Time Equivalent employees (FTE), GS 8/8, and two Senior Environmental Employment (SEE) Program employees, (the SEE Program is an employment program for older workers authorized by the Environmental Programs assistance Act, passed by Congress in 1984, and provides employment opportunities to senior citizens age 55 and over), are allocated to Imports activities. Based on the 2003 GS pay schedule, EPA estimates an hourly \$21.19 for the FTEs, then multiplied hourly rates by the standard government benefits multiplication factor of 1.6, at a cost of \$131,225, and a cost of \$41,338 for the SEES. An estimated total agency cost of \$172,563 per year, is allocated to Imports activities.

#### 6(d) REASONS FOR CHANGE IN BURDEN

The reason for the increase in the burden is improved information based upon consultations with respondents, used to estimate burdens and costs.

#### 6(e) BURDEN STATEMENT

Public reporting burden for this collection is estimated to average 30 minutes per response [and to average 30 minutes per response recordkeeping (form 3520-8 only)]. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the

use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. OAR-2003-0181, which is available for public viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17<sup>th</sup> Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (OAR-2003-0181) and OMB control number (2060-0095) in any correspondence.